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### **REMARKS**

Claims 1-2, 4-6 and 8-13 are all the claims presently pending in the application.

Claims 1, 8, 11 and 13 have been amended to more particularly define the invention. Claim 7 has been canceled without prejudice or disclaimer in the interest of expediting prosecution.

It is noted that the claim amendments herein or later are not made to distinguish the invention over the prior art or narrow the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein or later should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-2, 5, 7 and 11-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pawl (U.S. Patent No. 4,969,793). Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Pawl in view of Colburn (U.S. Patent No. 3,752,331). Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Pawl in view of Carlsson et al. (U.S. Publication No. 2002/0070574). Claims 8-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pawl in view of Smillie III et al. (U.S. Patent No. 5,054,578). Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Pawl in view of Mitchell (U.S. Patent No. 2,249,845).

These rejections are respectfully traversed in the following discussion.

### **I. THE CLAIMED INVENTION**

An exemplary aspect of the invention, as recited in claim 1, is directed to a luggage storage structure for a vehicle with a concaved storage portion formed to protrude downward in a floor panel and a plate member provided to cover an upper portion of the concaved

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storage portion, including a transfer mechanism for transferring the plate member up and down relative to the floor panel, a pair of rail frames fixed on the floor panel on opposite sides of the concaved storage portion and parallel to each other, a pair of drive links, a first end of each drive link being connected with one of the rail frames so as to transfer in a longitudinal direction of the rail frame, a second end of each drive link being connected with the plate member, the drive links being horizontal when the plate member closes the concaved storage portion, and the drive links being raised when the plate member is transferred upward, a pair of driven links, a first end of each driven link being connected with the plate member, a second end of each driven link being connected with the floor panel, each driven link being connected at a middle point of one of the drive links so as to rotate, the driven links being horizontal when the plate member closes the concaved storage portion and the driven links being raised when the plate member is transferred upward, a plurality of sliders for transferring in the longitudinal direction of the rail frame, the sliders engaging with the first ends of the drive links through a pair of connecting links, and a driving mechanism provided to transfer each slider in the longitudinal direction of the rail frame.

Each drive link and each driven link shift between an approximately horizontal state and a raised state by transferring the first end of each drive link along the rail frame. Each drive link includes a contacting portion provided between the middle point of the drive link and the first end of the drive link. Each of the sliders includes a contacting surface formed thereon to be brought into contact with the contacting portion. The contacting surface slopes in a direction in which the slider transfers when the drive link shifts from the approximately horizontal state to the raised state. Each of the sliders is provided with a transfer guide groove in the longitudinal direction of the rail frame. A rotary connecting portion including

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one of the pair of connecting links which on one end is connected to the first end of the drive link so as to rotate, and on the other end is connected to a slide pin for transferring within the transfer guide groove.

Conventional lifters simply transfer a plate member in an up and down direction. As such, these lifters cannot be disposed in an area where the vertical stroke of the plate member can be obstructed. Due to this, such conventional lifters are not appropriate for spaces that are sloped in an upper area, such as a loft of a house or a trunk of an automobile. Therefore, since the transfer direction of the plate member in conventional lifters is limited to just upwardly and downwardly, such lifters are quite inconvenient for practical uses. (See Application at page 3, lines 7-26 and page 4, lines 1-5)

The claimed invention, on the other hand, provides a luggage storage structure including on each drive link a contacting portion between the middle point of the drive link and the first end of the drive link, and each of the sliders includes a contacting surface formed thereon to be brought into contact with the contacting portion. These features, amongst others, enable the plate member to transfer in a longitudinal direction in the forward and rearward directions of the rail frame, while transferring up and down. (See Application at page 35, lines 5-7)

## **II. THE PRIOR ART REFERENCES**

### **A. The Pawl Reference**

The Examiner alleges that the invention of claims 1-2, 5, 7 and 11-13 are anticipated by Pawl. However, Applicant respectfully submits that the reference does not teach or suggest each and every element of the claimed invention.

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Pawl discloses a power-operated lift, adapted to be mounted in a vehicle trunk, having linkage means for raising a load-supporting platform in a vertical direction. (See Pawl at Abstract)

However, Pawl does not teach or suggest that “*each drive link includes a contacting portion provided between [the] middle point of [the] drive link and [the] first end of [the] drive link*” as recited in the claimed invention. (Emphasis added)

The Examiner has previously conceded on page 4, item 7 of the Office Action dated June 17, 2005 that Pawl does not teach or suggest such a contacting portion or contacting surface. Notwithstanding, the Examiner notes on pages 3-4, item 2 of the present Office Action that a portion comprises a section, but not a point, i.e. a portion is a sub-length of an entire length. The Examiner thus alleges that a middle portion of the drive link shown in Figure 9 of Pawl may be construed broadly.

However, as recited in claim 1, the present invention includes a contacting portion 20 provided between the middle point of a drive link 8 and the first end of the drive link 8. (See Application at Figure 2) In contrast, according to the disclosure of Pawl, the central pivot means 70 at the middle point of the drive link 64,66 connecting the drive links 64 and the driven links 58 also serves as the contacting portion to be in contact with the contacting portion 110. (See Pawl at Figures 5 and 8)

Furthermore, Pawl does not teach or suggest “*a plurality of sliders for transferring in the longitudinal direction of [the] rail frame, [the] sliders engaging with [the] first ends of [the] drive links through a pair of connecting links. [and] each of [the] sliders includes a contacting surface formed thereon to be brought into contact with [the] contacting portion [and] each of the sliders is provided with a transfer guide groove in the longitudinal direction of the rail frame. and a rotary connecting portion comprising one of the pair of*

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connecting links which on one end is connected to the first end of the drive link so as to rotate, and on the other end is connected to a slide pin for transferring within the transfer guide groove," as recited in the claimed invention. (Emphasis added)

The Examiner alleges that the cam ram 110 of Pawl teaches the contacting surface of the present invention. However, Pawl teaches that the cam ramp 110 is mounted on base element 24 in the path of motion of pivot pin 70. Thus, Pawl teaches that the sloped contacting surface 110 is provided on the fixed rail frame 24, not on the worm driven nut 82 or any other element which transfers in the longitudinal direction of the rail frame 24. (See Pawl at Figures 5, 8 and 9, and column 3, lines 64 and column 4, lines 31-35)

Therefore, Applicant submits that there are elements of the invention of the claimed invention that are not taught or suggested by Pawl. Therefore, the Examiner is respectfully requested to withdraw this rejection.

#### **B. The Colburn Reference**

The Examiner alleges that Pawl would have been combined with Colburn to form the invention defined in claim 4. However, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Colburn discloses a lifting mechanism that includes a base frame and a load supporting frame that are operatively interconnected by a scissor linkage. (See Colburn at Abstract)

Applicant respectfully submits that these references would not have been combined as alleged by the Examiner. Indeed, these references are completely unrelated, and no person of

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ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

In fact, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, contrary to the Examiner's allegations, neither of these references teach or suggest their combination.

Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

The Examiner concedes that Pawl does not teach or suggest *"two electric motors are disposed, and each slider is independently driven by each electric motor,"* as recited in claim 4. Rather, the Examiner attempts to rely on Colburn to make up for the deficiencies of Pawl

However, Colburn fails to make up for the deficiencies of Pawl described above directed toward that *"each drive link includes a contacting portion provided between [the] middle point of [the] drive link and [the] first end of [the] drive link," and "[and] each of [the] sliders includes a contacting surface formed thereon to be brought into contact with [the] contacting portion," as recited in the claimed invention. (Emphasis added)*

In fact, neither Pawl, nor Colburn, nor any combination thereof, teaches or suggests this feature. Indeed, Colburn makes no reference or suggestion to a contacting portion provided between the middle point of the drive link and the first end of said drive link and that each of the sliders includes a contacting surface formed thereon to be brought into contact with such a contacting portion.

Thus, even assuming arguendo that Colburn may disclose the use of two motors for raising a plate, as alleged by the Examiner, there is no teaching or suggestion in Colburn of a contacting portion provided between the middle point of the drive link and the first end of

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said drive link and that each of the sliders includes a contacting surface formed thereon to be brought into contact with such a contacting portion, as recited in the claimed invention.

Indeed, the cited reference does not even recognize the desirability or benefit of providing such a feature. Colburn clearly does not make up for the deficiencies of Pawl.

In light of the above, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of claim 4. Therefore, the Examiner is respectfully requested to withdraw this rejection.

#### **C. The Carlsson et al. Reference**

The Examiner alleges that Pawl would have been combined with Carlsson et al. to form the invention defined in claim 6. However, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Carlsson et al. discloses a loading compartment in a vehicle having a recess in the floor of the vehicle and a cover. (See Carlsson et al. at Abstract)

Applicant respectfully submits that these references would not have been combined as alleged by the Examiner. Indeed, these references are completely unrelated, and no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

In fact, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, contrary to the Examiner's allegations, neither of these references teach or suggest their combination.

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Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

The Examiner concedes that Pawl does not teach or suggest *"a lock mechanism for locking the plate member and the plate member frame having a release portion capable of unlocking the lock mechanism, the release portion of the lock mechanism being disposed on a lower surface of the plate member,"* as recited in claim 6. Rather, the Examiner attempts to rely on Carlsson et al. to make up for the deficiencies of Pawl

However, Carlsson et al. fails to make up for the deficiencies of Pawl described above directed toward that *"each drive link includes a contacting portion provided between [the] middle point of [the] drive link and [the] first end of [the] drive link,"* and *"[and] each of [the] sliders includes a contacting surface formed thereon to be brought into contact with [the] contacting portion,"* as recited in the claimed invention. (Emphasis added)

In fact, neither Pawl, nor Carlsson et al., nor any combination thereof, teaches or suggests this feature. Indeed, Carlsson et al. makes no reference or suggestion to a contacting portion provided between the middle point of the drive link and the first end of said drive link and that each of the sliders includes a contacting surface formed thereon to be brought into contact with such a contacting portion.

Thus, even assuming arguendo that Carlsson et al. may disclose a locking mechanism, as alleged by the Examiner, there is no teaching or suggestion in Carlsson et al. of a contacting portion provided between the middle point of the drive link and the first end of said drive link and that each of the sliders includes a contacting surface formed thereon to be brought into contact with such a contacting portion, as recited in the claimed invention.



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Indeed, the cited reference does not even recognize the desirability or benefit of providing such a feature. Carlsson et al. clearly does not make up for the deficiencies of Pawl.

In light of the above, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of claim 6. Therefore, the Examiner is respectfully requested to withdraw this rejection.

#### **D. The Smillie III et al. Reference**

The Examiner alleges that Pawl would have been combined with Smillie III et al. to form the invention defined in claims 8-9. However, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Smillie III et al. discloses a power-operated lift and presenting mechanism which lifts an article stored on a platform member in a vehicle trunk to an upwardly lifted position. (See Smillie III et al. at Abstract)

Applicant respectfully submits that these references would not have been combined as alleged by the Examiner. Indeed, these references are completely unrelated, and no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

In fact, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, contrary to the Examiner's allegations, neither of these references teach or suggest their combination.

Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore,

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the Examiner has failed to make a prima facie case of obviousness.

The Examiner concedes that Pawl does not teach or suggest that *"each of the rail frames comprises a main rail facing in a vertical direction for guiding the slider, and a sub rail facing in a vertical direction for guiding engagement of the drive link and the connecting link,"* as recited in claim 8, or that *"the slider is formed to have an approximately T-shaped cross-section,"* as recited in the claim 9. Rather, the Examiner attempts to rely on Smillie III et al. to make up for the deficiencies of Pawl.

However, Smillie III et al. fails to make up for the deficiencies of Pawl described above directed toward that *"each drive link includes a contacting portion provided between [the] middle point of [the] drive link and [the] first end of [the] drive link "* and *"[and] each of [the] sliders includes a contacting surface formed thereon to be brought into contact with [the] contacting portion,"* as recited in the claims 8-9. (Emphasis added)

In fact, neither Pawl, nor Smillie III et al., nor any combination thereof, teaches or suggests this feature. Indeed, Smillie III et al. makes no reference or suggestion to a contacting portion provided between the middle point of the drive link and the first end of said drive link and that each of the sliders includes a contacting surface formed thereon to be brought into contact with such a contacting portion.

Thus, even assuming arguendo that Smillie III et al. may disclose a rail frame main rail for a T-shaped slider, as alleged by the Examiner, there is no teaching or suggestion in Smillie et al. of a contacting portion provided between the middle point of the drive link and the first end of said drive link and that each of the sliders includes a contacting surface formed thereon to be brought into contact with such a contacting portion, as recited in the claimed invention. Indeed, the cited reference does not even recognize the desirability or

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benefit of providing such a feature. Smillie III et al. clearly does not make up for the deficiencies of Pawl.

In light of the above, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of claims 8-9. Therefore, the Examiner is respectfully requested to withdraw this rejection.

#### **E. The Mitchell Reference**

The Examiner alleges that Pawl would have been combined with Mitchell to form the invention defined in claim 10. However, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Mitchell discloses a rigid form of camp table which may be slidably attached to an automobile. (See Mitchell at column 1, lines 3-10)

Applicant respectfully submits that these references would not have been combined as alleged by the Examiner. Indeed, these references are completely unrelated, and no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

In fact, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, contrary to the Examiner's allegations, neither of these references teach or suggest their combination.

Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

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The Examiner concedes that Pawl does not teach or suggest that “*on a lower side of the plate member is provided a leg set to horizontally support [the] plate member to allow [the] plate member to be a top plate of a table, and a folding chair to be used with [the] table,*” as recited in the claim 10. Rather, the Examiner attempts to rely on Mitchell to make up for the deficiencies of Pawl.

However, Mitchell fails to make up for the deficiencies of Pawl described above directed toward that “*each drive link includes a contacting portion provided between [the] middle point of [the] drive link and [the] first end of [the] drive link,*” and “*each of [the] sliders includes a contacting surface formed thereon to be brought into contact with [the] contacting portion,*” as recited in the claimed invention. (Emphasis added)

In fact, neither Pawl, nor Mitchell, nor any combination thereof, teaches or suggests this feature. Indeed, Mitchell makes no reference or suggestion to a contacting portion provided between the middle point of the drive link and the first end of said drive link and that each of the sliders includes a contacting surface formed thereon to be brought into contact with such a contacting portion.

Thus, even assuming arguendo that Mitchell may disclose a leg set and folding chair, as alleged by the Examiner, there is no teaching or suggestion in Mitchell of a contacting portion provided between the middle point of the drive link and the first end of said drive link and that each of the sliders includes a contacting surface formed thereon to be brought into contact with such a contacting portion, as recited in the claimed invention. Indeed, the cited reference does not even recognize the desirability or benefit of providing such a feature. Mitchell clearly does not make up for the deficiencies of Pawl.

In light of the above, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every

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element of claim 10. Therefore, the Examiner is respectfully requested to withdraw this rejection.

### III. FORMAL MATTERS AND CONCLUSION

The Examiner has objected to claim 1 due to informalities. The objected claim has been amended to overcome the objections. Specifically, claim 1 has been amended to recite a pair of connecting links. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the objection.

Applicant again notes that the present Application claims foreign priority benefits under 35 U.S.C. § 119 of Japanese Patent Application 2003-038449, Japanese Patent Application 2003-038449, and Japanese Patent Application 2003-038449, all filed February 17, 2003, certified copies of which were submitted on concurrently with the Application on February 12, 2004. Applicant respectfully requests the Examiner to acknowledge on the Office Action Summary (form PTOL-326) that "Certified copies of the priority documents have been received."

In view of the foregoing, Applicant submits that claims 1-2, 4-6 and 8-13, all the claims presently pending in the application, are patentably distinct over the prior art of record and are allowable, and that the application is in condition for allowance. Such action would be appreciated.

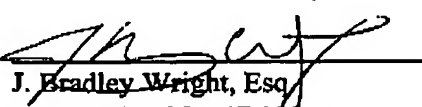
Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below to discuss any other changes deemed necessary for allowance in a telephonic or personal interview.

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To the extent necessary, Applicant petitions for an extension of time under 37 CFR §1.136. The Commissioner is authorized to charge any deficiency in fees, including extension of time fees, or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

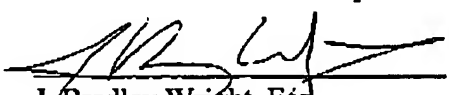
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**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the foregoing Amendment was filed by facsimile with the United States Patent and Trademark Office, Examiner Gregory W. Adams, Group Art Unit #3652 at fax number (571) 273-8300 this 30<sup>th</sup> day of January, 2006.

  
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